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Patent Application  
Attorney Docket No. D/99132Q

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Joseph A. Swift

Application No.: 09/996,819

Filed: November 30, 2001

Examiner: Jeff H. Aftergut

Art Unit: 1733

Title: METHOD OF MAKING AN  
ELECTROMECHANICAL ROLL

**CERTIFICATE OF  
TRANSMISSION**

I hereby certify that this  
correspondence is being  
Facsimile transmitted to the  
Office of Petitions at the U.S.  
Patent and Trademark Office  
at 703-872-9306 on

November 8, 2004

Commissioner for Patents  
Attn: Office of Petitions  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JAN 04 2005  
TC 1700

Elaine Zahn

*Elaine Zahn*  
(Signature)

November 8, 2004  
Date of Signature

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**ISSUE FEE TIMELY PAID AND EARLIER PETITION TO WITHDRAW**  
**HOLDING OF ABANDONMENT TIMELY SUBMITTED**

Petitioner hereby resubmits a new Petition To Withdraw Holding Of Abandonment of application Serial No. 09/996,819. On October 26, 2004, Petitioner inquired at the Office of Petitions, United States Patent and Trademark Office (USPTO), Senior Attorney Paul Shanoski, as to the status of an earlier submitted Petition To Withdraw Holding Of Abandonment to the Office of Petitions. Senior Attorney Paul Shanoski indicated the application remained abandoned and there was no indication in the USPTO Palm System of the earlier submitted Petition To Withdraw Holding Of Abandonment.

For background, Petitioner was originally notified that application Serial No. 09/996,819 had been abandoned for alleged failure, according to

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the United States Patent and Trademark Office (USPTO), to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance, and which three months expired on 12/29/2004. The Notice of Abandonment was mailed on 02/03/2004 and received by Xerox on 02/09/2004.

The earlier Petition To Withdraw Holding Of Abandonment was faxed to the Office of Petitions on February 23, 2004 after receipt by Petitioner of a notice of abandonment mailed from the USPTO on February 03, 2004; (within two months of the notice of abandonment from the USPTO). *The earlier Petition To Withdraw Holding Of Abandonment was inadvertently dated February 22, 2004 and should have been dated February 23, 2004 and the application filing date in the heading should have indicated November 30, 2001 rather than July 31, 2000.*

It is respectfully requested that the holding of abandonment of application Serial No. 09/996,819 be withdrawn and for revival and issuance thereof as there was no abandonment in fact based on the enclosed Auto-Reply Transmission and Issue Fee Transmittal which indicate that the issue Fee Transmittal (PTOL-85) was transmitted to the USPTO via facsimile number (703-872-9306) on December 4, 2003, and received by the USPTO, prior to the due date of December 29, 2003. The Fee Transmittal (PTOL-85) contained a Certificate of Facsimile Transmission that was signed by Holliday Rohrbaugh and was dated December 4, 2003.

Supporting documentation showing earlier efforts and proof of transmission of various supporting documents for application Serial No. 09/996,819 is enclosed herewith, including a copy of:

- (A) Earlier Petition To Withdraw Holding Of Abandonment (2 pages),  
*(inadvertently dated February 22, 2004 and should have been dated February 23, 2004, and the application filing date in the heading should have indicated November 30, 2001 rather than July 31, 2000);*

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- (B) Fax Cover Sheet (1 page) providing facsimile transmission to the USPTO (703-872-9306) on February 23, 2004, including Fax Cover Sheet reference to the earlier Petition To Withdraw Holding Of Abandonment (*cover sheet inadvertently dated February 22, 2004 and should have been dated February 23, 2004*);
- (C) Original Fee Transmittal PTOL-85 (1 page), transmittal date December 4, 2003;
- (D) Confirmation Report of facsimile transmission of the Original Fee Transmittal PTOL-85 to the USPTO (703-872-9306) (1 page), dated December 4, 2003;
- (E) Auto-Reply Transmission of the Original Fee Transmittal PTOL-85 (1 page), dated December 4, 2003; and
- (F) Email message dated June 7, 2004 to [petitions@pto.gov](mailto:petitions@pto.gov) concerning abandonment of 09/996,819 (1 page), (*inadvertent reference to the date Petition Filed as February 22, 2004 and should have been dated February 23, 2004.*)

On information and belief, the new centralized facsimile number (703-872-9306) used on December 4, 2003 for the transmission of Fee Transmittal (PTOL-85) to the USPTO for Serial No. 09/996,819 was believed at the time by Holliday Rohrbaugh to be the proper facsimile number for transmitting the Fee Transmittal PTOL-85 document to the USPTO. The facsimile number, 703-746-4000, was used until December 1, 2003 when the centralized facsimile number went into effect. An investigation by another Xerox senior patent attorney, after learning of Xerox' receipt of numerous notices of abandonment from the USPTO, found that the used facsimile number (703-872-9306) was the new centralized facsimile number published in a USPTO Notice. It was thought that use of that new centralized facsimile number theoretically may have been a cause or part of a problem resulting in

Application No. 09/996,819

abandonment of application Serial No. 09/996,819, not definitive. Also, the published USPTO notice centralized facsimile number was believed by the Xerox not to have provided generally clear instruction. For using the new centralized fax number were listed in Notice, in separate paragraphs and a reader may find exceptions. Only in the text near the bottom of that other, and more important, exceptions for not a number, including a fax number of (703-746-4000). The fact of faxing of the final fee payment to the new number which the PTO had designated for most in the fact of the PTO's indication to except the use number for final fee payments, were both only re Xerox senior patent attorney, and that Xerox' D promptly changed. However, a number of Xerox' firm the PTO's designated central facsimile number before

If use of the used centralized facsimile transmission of the Fee Transmittal, it is not understood transmittal documented as having been received at and Trademark Office on 12/4/2003 (via Auto-Rep then forwarded to the appropriate personnel for Applicant with proof of receipt should be able to request USPTO to direct the Fee Transmittal to the proper in further processing; (b) the receipt by the USPTO of (85) was not entered into the USPTO Palm System notified of a problem with use of the centralized facsimile transmittal, other than by a notice of abandonment.

Any oversight or error, if any, was undersigned or Xerox with respect to use of the centralized

Application No. 09/996,819

abandonment of application Serial No. 09/996,819, although the finding was not definitive. Also, the published USPTO notice relied on for use of that centralized facsimile number was believed by the Xerox senior patent attorney not to have provided generally clear instruction. For example, exceptions to using the new centralized fax number were listed near the top of the USPTO Notice, in separate paragraphs and a reader may assume those are ALL the exceptions. Only in the text near the bottom of that lengthy notice are the two other, and more important, exceptions for not using the centralized fax number, including a fax number of (703-746-4000) for issue fee transmittal. The fact of faxing of the final fee payment to the new USPTO central facsimile number which the PTO had designated for most incoming PTO papers, and the fact of the PTO's indication to except the use of that central facsimile number for final fee payments, were both only recently discovered by the Xerox senior patent attorney, and that Xerox' Docket practice was then promptly changed. However, a number of Xerox' final fees had been faxed to the PTO's designated central facsimile number before that discovery.

If use of the used centralized facsimile number was improper for transmission of the Fee Transmittal, it is not understood why: (a) the issue fee transmittal documented as having been received at the United States Patent and Trademark Office on 12/4/2003 (via Auto-Reply Transmission) was not then forwarded to the appropriate personnel for further processing as an Applicant with proof of receipt should be able to rely on the personnel of the USPTO to direct the Fee Transmittal to the proper individual or department for further processing; (b) the receipt by the USPTO of the Fee transmittal-(PTOL-85) was not entered into the USPTO Palm System; or (c) Xerox was not notified of a problem with use of the centralized facsimile number for issue fee transmittal, other than by a notice of abandonment.

Any oversight or error, if any, was unintentional by the undersigned or Xerox with respect to use of the central facsimile number that


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may have resulted in abandonment of application Serial No. 09/996,819. Also, any oversight or error was unintentional by the undersigned or Xerox with respect to use of the date of February 22, 2004 (which should have indicated February 23, 2004) on the above referenced documents, and an incorrect application filing date (which should have indicated November 30, 2001) in the header of the earlier Petition to Withdraw Holding of Abandonment. The abandonment of application Serial No. 09/996,819 was not intended.

It is respectfully requested that the Holding of Abandonment be withdrawn and for prompt issuance of a patent corresponding to application Serial No. 09/996,819. No petition fee is believed required for the present petition. However, in the event a petition fee of \$130.00 is required, please charge deposit account number 24-0025.

Petitioner respectfully requests that this request be granted leading to issuance in the above-identified case. In the event that personal contact is considered advantageous to the disposition of this petition, the PTO is requested to call the undersigned attorney for Petitioner, Andrew D. Ryan at telephone number (585) 422-8085, Rochester, New York.

Respectfully submitted,



Andrew D. Ryan  
Attorney for Applicant  
Registration No. 39,351  
(585) 422-8085

ADR:ez

November 8, 2004

Xerox Corporation  
Xerox Square 20A  
Rochester, NY 14644

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Patent Application  
Attorney Docket No. D/99132Q

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joseph A. Swift

Application No.: 09/996,819

Filed: July 31, 2000

Examiner: Jeff H. Aftergut

Art Unit: 1733

Title: METHOD OF MAKING AN  
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I hereby certify that this correspondence is being Facsimile transmitted to Paul Shanowski, Office of Petitions at the U.S. Patent and Trademark Office at 703-872-9306 on

February 22, 2004  
(Date of deposit)

Elaine Zahn

  
(Signature)Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Office of Petitions  
Attorney Paul Shanowski

Sir:

February 22, 2004  
Date of SignaturePETITION TO WITHDRAW HOLDING OF ABANDONMENT

Petitioner hereby respectfully requests that the holding of abandonment of the above-referenced application, Serial No. 09/996,819 be withdrawn. The above-identified application became abandoned for alleged failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance or a date due of December 29, 2003.

Petitioner hereby requests reconsideration of the holding of abandonment and request revival as there was no abandonment in fact based on the attached Auto-Reply Transmission and Issue Fee Transmittal which indicated that the Issue fee for this patent was transmitted via facsimile to the United States Patent and Trademark Office on December 4, 2003 prior to the

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P.O. Box 1450  
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Attorney Paul Shanowski

Sir:

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Petitioner hereby requests reconsideration of the holding of abandonment and request revival as there was no abandonment in fact based on the attached Auto-Reply Transmission and Issue Fee Transmittal which indicated that the Issue fee for this patent was transmitted via facsimile to the United States Patent and Trademark Office on December 4, 2003 prior to the

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Application No. 09/996,6

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due date of December 29, 2003. A copy of the original Fee Transmittal and Auto-Reply Transmission transmitted by the Petitioner are enclosed.

No petition fee is believed required for the present petition. However, in the even a petition fee of \$130.00 is required, please charge deposit account number 24-0025. Petitioner respectfully requests that this request be granted leading to issuance in the above-identified case. In the event that personal contact is considered advantageous to the disposition of this petition, the PTO is requested to call the undersigned attorney for Petitioner, Andrew D. Ryan at telephone number (585) 422-8085, Rochester, New York.

Respectfully submitted,



Andrew D. Ryan  
Attorney for Applicant  
Registration No. 39,351  
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ADR:ez

February 22, 2004

Xerox Corporation  
Xerox Square 20A  
Rochester, NY 14644